



January 14, 2005

SENATE BILL No. 229

DIGEST OF SB 229 (Updated January 12, 2005 3:56 pm - DI 71)

Citations Affected: IC 4-10; IC 4-15; IC 5-22; IC 10-13; IC 12-12; IC 20-1; IC 20-8.1; IC 20-9.1; IC 20-10.1; IC 20-15; IC 20-16.

Synopsis: School for the Blind. Changes the name of the School for the Blind to the School for the Blind and Visually Impaired. Makes certain changes to the qualifications for the superintendents of the School for the Blind and the School for the Deaf, and changes the title of "superintendent" to "chief executive officer" for each school.

Effective: July 1, 2005.

Lubbers

January 4, 2005, read first time and referred to Committee on Education and Career Development.
January 13, 2005, amended, reported favorably — Do Pass.

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SB 229—LS 7198/DI 109+



January 14, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 229

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-10-15-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The warrants may be
3 drawn for the necessary and current expenses of the following:

- 4 (1) All psychiatric hospitals (as defined in IC 12-7-2-184).
- 5 (2) The Indiana School for the Deaf, established by IC 20-16.
- 6 (3) The Indiana School for the Blind **and Visually Impaired**,
7 established by IC 20-15.
- 8 (4) The Indiana Veterans' Home.
- 9 (5) The Plainfield Juvenile Correctional Facility.

10 SECTION 2. IC 4-15-2-3.8 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.8. "State service"
12 means public service by:

- 13 (1) employees and officers, including the incumbent directors, of
14 the county offices of family and children; and
- 15 (2) employees and officers, except members of boards and
16 commissions or individuals hired for or appointed to, after June
17 30, 1982, positions as appointing authorities, deputies, assistants

SB 229—LS 7198/DI 109+



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reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability, aging, and rehabilitative services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, ~~Central State Hospital~~, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind **and Visually Impaired**, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of fire and building services, state emergency management agency (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family and children, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department.

SECTION 3. IC 5-22-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) As used in this section, "board" refers to either of the following:

- (1) With respect to the Indiana School for the Blind **and Visually Impaired**, the board established by IC 20-15-3-1.
- (2) With respect to the Indiana School for the Deaf, the board established by IC 20-16-3-1.

(b) As used in this section, "school" refers to either of the following:

- (1) The Indiana School for the Blind **and Visually Impaired** established by IC 20-15-2-1.
- (2) The Indiana School for the Deaf established by IC 20-16-2-1.

(c) As used in this section, "superintendent" refers to the

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1 superintendent of the school.

2 (d) Except as provided in subsection (f), the school is the purchasing
3 agency for the school.

4 (e) Except as provided in subsection (f), the superintendent is the
5 purchasing agent for the school for purchases with a value of not more
6 than twenty-five thousand dollars (\$25,000).

7 (f) Not later than October 1, 1999, the Indiana department of
8 administration and the board shall develop and implement a written
9 policy for purchases by the school with a value of more than
10 twenty-five thousand dollars (\$25,000).

11 SECTION 4. IC 10-13-3-38.5 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 38.5. (a) Under federal
13 P.L.92-544 (86 Stat. 1115), the department may use an individual's
14 fingerprints submitted by the individual for the following purposes:

15 (1) Determining the individual's suitability for employment with
16 the state, or as an employee of a contractor of the state, in a
17 position:

18 (A) that has a job description that includes contact with, care
19 of, or supervision over a person less than eighteen (18) years
20 of age;

21 (B) that has a job description that includes contact with, care
22 of, or supervision over an endangered adult (as defined in
23 IC 12-10-3-2), except the individual is not required to meet the
24 standard for harmed or threatened with harm set forth in
25 IC 12-10-3-2(a)(3);

26 (C) at a state institution managed by the office of the secretary
27 of family and social services or state department of health;

28 (D) at the Indiana School for the Deaf established by
29 IC 20-16-2-1;

30 (E) at the Indiana School for the Blind **and Visually Impaired**
31 established by IC 20-15-2-1;

32 (F) at a juvenile detention facility;

33 (G) with the gaming commission under IC 4-33-3-16;

34 (H) with the department of financial institutions under
35 IC 28-11-2-3; or

36 (I) that has a job description that includes access to or
37 supervision over state financial or personnel data, including
38 state warrants, banking codes, or payroll information
39 pertaining to state employees.

40 (2) Identification in a request related to an application for a
41 teacher's license submitted to the professional standards board
42 established under IC 20-1-1.4.

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An applicant shall submit the fingerprints in an appropriate format or on forms provided for the employment or license application. The department shall charge each applicant the fee established under section 28 of this chapter and by federal authorities to defray the costs associated with a search for and classification of the applicant's fingerprints. The department may forward fingerprints submitted by an applicant to the Federal Bureau of Investigation or any other agency for processing. The state personnel department or the agency to which the applicant is applying for employment or a license may receive the results of all fingerprint investigations.

(b) An applicant who is an employee of the state may not be charged under subsection (a).

(c) Subsection (a)(1) does not apply to an employee of a contractor of the state if the contract involves the construction or repair of a capital project or other public works project of the state.

SECTION 5. IC 12-12-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The office of the secretary shall, on the first business day of each month, send a copy of a report filed under section 1 of this chapter to the following persons:

(1) For persons less than seventeen (17) years of age, to the following:

(A) The Indiana School for the Blind **and Visually Impaired**.

(B) The division of disability, aging, and rehabilitative services.

(C) The division of special education of the department of education.

(2) For persons at least seventeen (17) years of age, to the following:

(A) The division of disability, aging, and rehabilitative services.

(B) On request, organizations serving the blind **or visually impaired** and the state department of health.

SECTION 6. IC 12-12-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) On receiving a report under this chapter, the division of disability, aging, and rehabilitative services shall provide information to the visually impaired individual designated in the report concerning available state and local services.

(b) For a visually impaired individual less than seventeen (17) years of age, the Indiana School for the Blind **and Visually Impaired**:

(1) has the primary duty of initially contacting the visually impaired individual or the individual's family; and

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(2) shall notify the division of disability, aging, and rehabilitative services and the department of education of the school's findings.

SECTION 7. IC 12-12-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. This chapter does not prohibit a physician or an optometrist from making a referral to a local school corporation, an agency, the Indiana School for the Blind **and Visually Impaired**, or an agency or organization working with the blind or visually impaired.

SECTION 8. IC 20-1-6-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. (a) There is created under the Indiana state board of education a division of special education, which shall exercise all the power and duties set out in this chapter. The governor shall appoint, upon the recommendation of the state superintendent of public instruction, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be fixed by the budget agency with the approval of the governor. The duties of the director are as follows:

(1) To have general supervision of all programs, classes, and schools, including those conducted by the public schools, the Indiana School for the Blind **and Visually Impaired**, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, and the division of mental health and addiction, for children with disabilities and to coordinate the work of these schools. In addition, relative to programs for preschool children with disabilities as required under section 14.1 of this chapter, the director has general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under section 14.1 of this chapter. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.

(2) To adopt, with the approval of the Indiana state board of education, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.

(3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.

(4) With the consent of the state superintendent of public instruction and the budget agency, to appoint and fix salaries for

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any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

(5) To adopt, with the approval of the Indiana state board of education, the following:

(A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.

(B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.

(6) To make recommendations to the Indiana state board of education concerning standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

(A) The number of teacher aides recommended for each exceptionality included within the class size ranges.

(B) The role of the teacher aide.

(C) Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.

(7) To cooperate with the interagency coordinating council established under IC 12-17-15 to ensure that the preschool special education programs required under section 14.1 of this chapter are consistent with the early intervention services program described in IC 12-17-15.

(b) The director or the Indiana state board of education may exercise authority over vocational programs for children with disabilities through a letter of agreement with the department of workforce development.

SECTION 9. IC 20-1-6-15.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15.1. (a) For the purposes of this section, "comprehensive plan" means a plan for educating all children with disabilities that a school corporation is required to educate under sections 14 through 14.1 of this chapter, and those additional children with disabilities that it elects to educate.

(b) For purposes of this section, "school corporation" includes the following:

(1) The Indiana School for the Blind **and Visually Impaired** board.

(2) The Indiana School for the Deaf board.

(c) The Indiana state board of education shall adopt rules under

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1 IC 4-22-2 detailing the contents of the comprehensive plan. Each
 2 school corporation shall complete and submit to the state
 3 superintendent of public instruction a comprehensive plan. School
 4 corporations operating cooperative or joint special education services
 5 may submit a single comprehensive plan. In addition, if a school
 6 corporation enters into a contractual agreement as permitted under
 7 section 14.1 of this chapter, the school corporation shall collaborate
 8 with the service provider in formulating the comprehensive plan.

9 (d) Notwithstanding the age limits set out in section 1 of this
 10 chapter, the Indiana state board of education may conduct a program
 11 for the early identification of children with disabilities, between the
 12 ages of birth and twenty-one (21), not served by the public schools or
 13 through a contractual agreement under section 14.1 of this chapter, and
 14 may utilize agencies that serve children with disabilities other than the
 15 public schools.

16 (e) The Indiana state board of education shall adopt rules under
 17 IC 4-22-2 requiring the department of correction, the state department
 18 of health, the division of disability, aging, and rehabilitative services,
 19 the Indiana School for the Blind **and Visually Impaired** board, the
 20 Indiana School for the Deaf board, and the division of mental health
 21 and addiction to submit to the superintendent of public instruction a
 22 plan for the provision of special education for children in programs
 23 administered by each respective agency who are entitled to a special
 24 education.

25 (f) The superintendent of public instruction shall furnish
 26 professional consultant services to the school corporations, the
 27 department of correction, the state department of health, the division
 28 of disability, aging, and rehabilitative services, the Indiana School for
 29 the Blind **and Visually Impaired** board, the Indiana School for the
 30 Deaf board, and the division of mental health and addiction to aid them
 31 in fulfilling the requirements of this section.

32 SECTION 10. IC 20-1-6-16 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The
 34 superintendent shall appoint a state advisory council on the education
 35 of children with disabilities whose duties shall consist of providing
 36 policy guidance concerning special education and related services for
 37 children with disabilities. The superintendent shall appoint at least
 38 seventeen (17) members who shall serve for a period of four (4) years.
 39 Vacancies shall be filled in like manner for the unexpired balance of
 40 the term.

41 (b) The members must be citizens of Indiana who are representative
 42 of the state's population and selected on the basis of their involvement

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in or concern with the education of children with disabilities. A majority of the members must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

- (1) Parents of children with disabilities.
- (2) Individuals with disabilities.
- (3) Teachers.
- (4) Representatives of higher education institutions that prepare special education and related services personnel.
- (5) State and local education officials.
- (6) Administrators of programs for children with disabilities.
- (7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:

(A) The commissioner of the state department of health or the commissioner's designee.

(B) The director of the division of disability, aging, and rehabilitative services or the director's designee.

(C) The director of the division of mental health and addiction or the director's designee.

(D) The director of the division of family and children or the director's designee.

(8) Representatives of nonpublic schools and freeway schools.

(9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.

(10) Representatives of the department of correction.

(11) A representative of each of the following:

(A) The Indiana School for the Blind **and Visually Impaired** board.

(B) The Indiana School for the Deaf board.

(c) The responsibilities of the state advisory council are as follows:

(1) To advise the superintendent and the board regarding all rules pertaining to children with disabilities.

(2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.

(3) To advise the department of unmet needs within the state in the education of children with disabilities.

(4) To provide public comment on rules proposed by the board regarding the education of children with disabilities.

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(5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.

(6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.

(7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.

(d) The council shall organize with a chairperson selected by the superintendent and meet as often as necessary to conduct the council's business at the call of the chairperson upon ten (10) days written notice but not less than four (4) times a year. Members of the council shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

(e) The superintendent shall designate the director to act as executive secretary of the council and shall furnish all professional and clerical assistance necessary for the performance of its powers and duties.

(f) The affirmative votes of a majority of the members appointed to the council are required for the council to take action.

SECTION 11. IC 20-1-6-18.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18.2. (a) The Indiana state board of education shall adopt rules under IC 4-22-2 which establish limitations on the amount of transportation which may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules shall limit the transportation required by the student's individualized education program to ~~his~~ **the student's** first entrance and final departure each school year plus round trip transportation each school holiday period and two (2) additional round trips each school year.

(b) Whenever a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-8.1-6.1-1 shall bear the cost of transportation required by the student's individualized education program. However, if a transfer student was counted as an eligible student for purposes of a distribution in a calendar year under IC 21-3-3.1, the transportation costs that the transferee school may charge for a school year ending in the calendar year shall be reduced by the sum of the following:

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(1) The quotient of the amount of money that the transferee school is eligible to receive under IC 21-3-3.1-2.1 for the calendar year in which the school year ends divided by the number of eligible students for the transferee school for the calendar year (as determined under IC 21-3-3.1-2.1).

(2) The amount of money that the transferee school is eligible to receive under IC 21-3-3.1-4 for the calendar year in which the school year ends for the transportation of the transfer student during the school year.

(c) Whenever a student receives a special education:

(1) in a facility operated by:

(A) the state department of health;

(B) the division of disability, aging, and rehabilitative services;

or

(C) the division of mental health and addiction;

(2) at the Indiana School for the Blind **and Visually Impaired**;

or

(3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall bear the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the Indiana state board of education shall bear the cost of transportation required by the student's individualized education program.

(d) Whenever a student is placed in a private facility under section 19 of this chapter in order to receive a special education because the student's school corporation cannot provide an appropriate special education program, the school corporation in which the student has legal settlement shall bear the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the Indiana state board of education shall bear the cost of transportation required by the student's individualized education program.

SECTION 12. IC 20-8.1-4-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. The employment of children in the Indiana School for the Deaf and the Indiana School for the Blind **and Visually Impaired** is subject to the general restrictions imposed on child labor under this chapter.

SECTION 13. IC 20-9.1-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The state school bus committee is hereby created. The committee shall be composed of the following voting members:

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(1) The state superintendent of public instruction, or the superintendent's authorized representative, who shall serve as chairman of the committee.

(2) The commissioner of the bureau of motor vehicles, or the commissioner's authorized representative.

(3) The administrator of the motor carrier services division of the department of state revenue.

(4) The director of the governor's council on impaired and dangerous driving.

(5) A school bus driver, appointed by the state superintendent of public instruction upon the recommendation of the Indiana State Association of School Bus Drivers, Inc.

(6) A superintendent of a school corporation, appointed by the state superintendent of public instruction upon the recommendation of the Indiana Association of Public School Superintendents.

(7) A member of the governing body of a school corporation, appointed by the state superintendent of public instruction upon the recommendation of the Indiana School Boards Association.

(8) A representative of the Indiana School for the Blind **and Visually Impaired** or the Indiana School for the Deaf, appointed by the state superintendent of public instruction.

(9) A member of the School Transportation Association of Indiana, appointed by the state superintendent of public instruction upon the recommendation of the School Transportation Association of Indiana.

(b) The state superintendent of public instruction shall designate a secretary from the department of education who shall keep the official record of the meetings and of official transactions of the committee.

SECTION 14. IC 20-10.1-25.3-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.5. As used in this chapter, "school corporation" includes, except as otherwise provided in this chapter, the Indiana School for the Deaf established by IC 20-16 and the Indiana School for the Blind **and Visually Impaired** established by IC 20-15.

SECTION 15. IC 20-10.1-25.3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The department shall list all school corporations in Indiana according to assessed valuation for property tax purposes per student in ADM, beginning with the school corporation having the lowest assessed valuation for property tax purposes per student in ADM. For purposes of the list made under this section, the Indiana School for the Deaf and the

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1 Indiana School for the Blind **and Visually Impaired** shall be
 2 considered to have the lowest assessed valuation for property tax
 3 purposes per student in ADM during the six (6) year period beginning
 4 on July 1, 2001.

5 (b) The department must prepare a revised list under subsection (a)
 6 before a new series of grants may begin.

7 (c) The department shall determine those school corporations to be
 8 placed in a group to receive a grant in a fiscal year under this chapter
 9 as follows:

10 (1) Beginning with the school corporation that is first on the list
 11 developed under subsection (a), the department shall continue
 12 sequentially through the list and place school corporations that
 13 qualify for a grant under section 6 of this chapter in a group until
 14 the cumulative total ADM of all school corporations in the group
 15 depletes the money that is available for grants in the fiscal year.

16 (2) Each fiscal year the department shall develop a new group by
 17 continuing sequentially through the list beginning with the first
 18 qualifying school corporation on the list that was not placed in a
 19 group in the prior fiscal year.

20 (3) If the final group developed from the list contains substantially
 21 fewer students in ADM than available money, the department
 22 shall:

23 (A) prepare a revised list of school corporations under
 24 subsection (a); and

25 (B) place in the group qualifying school corporations from the
 26 top of the revised list.

27 (4) The department shall label the groups with sequential
 28 numbers beginning with "group one".

29 SECTION 16. IC 20-10.1-25.3-14 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section
 31 applies in a year when a school corporation receives a grant under this
 32 chapter. The school corporation's capital projects fund budget must
 33 include an expenditure for technology that is not less than the school
 34 corporation's average annual expenditure for technology from the
 35 capital projects fund in the six (6) budget years preceding the year of
 36 the grant. If the Indiana School for the Deaf or the Indiana School for
 37 the Blind **and Visually Impaired** receives a grant under this chapter,
 38 the school's expenditures for technology in the year of the grant must
 39 exceed the school's average annual expenditure for technology in the
 40 six (6) budget years preceding the year of the grant.

41 (b) For each year that a school corporation fails to observe
 42 subsection (a), the school corporation forfeits a grant under this

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chapter. The forfeit of the grant shall occur in the first grant year after the school corporation fails to observe subsection (a).

SECTION 17. IC 20-10.1-25.3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. A school corporation that receives a grant under this chapter must deposit the grant in the school technology fund established under IC 21-2-18. If the Indiana School for the Deaf or the Indiana School for the Blind **and Visually Impaired** receives a grant under this chapter, the school must deposit the grant in an account or fund that the school uses exclusively for the funding of technology.

SECTION 18. IC 20-15-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-15-2-4.**

SECTION 19. IC 20-15-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. "School" refers to the Indiana School for the Blind **and Visually Impaired** established by IC 20-15-2-1.

SECTION 20. IC 20-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually Impaired** is established as a state educational resource center that includes the following:

- (1) A residential and day school.
- (2) Outreach services.
- (3) Consultative services to local educational agencies to assist them in meeting the needs of locally enrolled students with visual disabilities.

SECTION 21. IC 20-15-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall appoint the ~~superintendent~~, **chief executive officer**, subject to the approval of the governor. The ~~superintendent~~ **executive** serves at the pleasure of the board and may be removed for cause.

(b) The ~~superintendent~~ **executive** appointee must have the following qualifications:

- (1) Be an educator with knowledge, skill, and ability in the appointee's profession.
- (2) Have a minimum of five (5) years of experience in instruction of students with visual **impairment** disabilities.
- (3) Have a master's degree or a higher degree.
- (4) Meet the qualifications for an Indiana teacher's certificate in the area of visual **impairment** disabilities.
- (5) ~~Have a superintendent's license or obtain a superintendent's~~

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license within two (2) years of appointment by the board.

(5) Have at least five (5) years experience supervising other people.

SECTION 22. IC 20-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~, **executive**, subject to the approval of the board and IC 20-15-4, has complete responsibility for management of the school.

(b) The ~~superintendent~~ **executive** has responsibility for the following:

(1) Direction of the education, care, safety, and well-being of all students in attendance.

(2) Evaluation and improvement of the school staff, educational programs, and support services.

(3) Implementation and administration of the policies, mission, and goals of the school as established by the board.

(4) Serving as the purchasing agent for the school as provided in IC 5-22-4-8.

(5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-15-3-10(7).

(6) Management of the school's outreach program with local public schools.

(7) Advocating on behalf of the school under guidelines established by the board.

(8) Executing contracts on behalf of the school.

(c) The ~~superintendent~~ **executive** is the appointing authority for all employees necessary to properly conduct and operate the school.

SECTION 23. IC 20-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

(1) the determination by case conference committees based on individualized education programs as defined under IC 20-1-6-1; and

(2) the school's admissions criteria adopted by the board under IC 20-15-3-10(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are visually disabled school age individuals.

SECTION 24. IC 20-15-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The committee consists of one (1) representative of each of the following:

(1) The board.

(2) The office of the secretary of family and social services.

(3) The superintendent of public instruction.

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(b) The placement review committee shall meet upon petition of an interested party to review the following:

(1) Applications to the school denied through the process described in section 6 of this chapter.

(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 25. IC 20-15-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real or personal property that are made, given, or granted to or for the school.

SECTION 26. IC 20-15-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The Indiana School for the Blind **and Visually Impaired** board is established.

SECTION 27. IC 20-15-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

(1) Establish policies and accountability measures for the school.

(2) Implement this article.

(3) Perform the duties required by IC 5-22-4-8.

(4) Adopt rules under IC 4-22-2 to establish criteria for the admission of children with visual disabilities, including children with multiple disabilities, at the school.

(5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure of the board.

(6) Determine the salary and benefits of the ~~superintendent~~ **executive**.

(7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department of education, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget

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request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 28. IC 20-15-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~(a) This section applies after March 31, 2000.~~

~~(b)~~ The **superintendent executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the **superintendent executive** considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the **superintendent executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

SECTION 29. IC 20-16-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. **"Executive" refers to the chief executive officer of the school appointed under IC 20-16-2-4.**

SECTION 30. IC 20-16-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall appoint the **superintendent chief executive officer** subject to the approval of the governor. The **superintendent executive** serves at the pleasure of the board and may be removed for cause.

(b) The **superintendent executive** appointee must have the following qualifications:

- (1) Be an educator with knowledge, skill, and ability in the appointee's profession.
- (2) Have a minimum of five (5) years of experience in instruction of students with hearing **impairment** disabilities.
- (3) Have a master's degree or a higher degree.
- (4) Meet the qualifications for an Indiana teacher's certificate in the area of hearing **impairment** disabilities.
- ~~(5) Have a superintendent's license or obtain a superintendent's license within two (2) years of appointment by the board.~~
- (5) Have at least five (5) years experience supervising other people.**

SECTION 31. IC 20-16-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The **superintendent executive**, subject to the approval of the board and IC 20-16-4, has complete responsibility for management of the school.

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(b) The ~~superintendent~~ **executive** has responsibility for the following:

- (1) Direction of the education, care, safety, and well-being of all students in attendance.
- (2) Evaluation and improvement of the school staff, educational programs, and support services.
- (3) Implementation and administration of the policies, mission, and goals of the school as established by the board.
- (4) Serving as the purchasing agent for the school as provided in IC 5-22-4-8.
- (5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-16-3-10(7).
- (6) Management of the school's outreach program with local public schools.
- (7) Advocating on behalf of the school under guidelines established by the board.
- (8) Executing contracts on behalf of the school.

(c) The ~~superintendent~~ **executive** is the appointing authority for all employees necessary to properly conduct and operate the school.

SECTION 32. IC 20-16-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

- (1) the determination by case conference committee based on individualized education programs, as defined under IC 20-1-6-1; and
- (2) the school's admission criteria adopted by the board under IC 20-16-3-10(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are hearing disabled school age individuals.

SECTION 33. IC 20-16-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The committee consists of one (1) representative of each of the following:

- (1) The board.
- (2) The office of the secretary of family and social services.
- (3) The superintendent of public instruction.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

- (1) Applications to the school denied through the process described in section 6 of this chapter.
- (2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

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(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 34. IC 20-16-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real and personal property that are made, given, or granted to or for the school.

SECTION 35. IC 20-16-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

- (1) Establish policies and accountability measures for the school.
- (2) Implement this article.
- (3) Perform the duties required by IC 5-22-4-8.
- (4) Adopt rules under IC 4-22-2 to establish criteria for the admission of children with hearing disabilities, including children with multiple disabilities, at the school.
- (5) Hire the ~~superintendent~~ **executive**, who serves at the pleasure of the board.
- (6) Determine the salary and benefits of the ~~superintendent~~ **executive**.
- (7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department of education, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 36. IC 20-16-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~(a) This section applies after March 31, 2000:~~

~~(b)~~ The ~~superintendent~~ **executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent~~ **executive** considers qualified to fill

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1 a position at the school. The state personnel department, in
2 collaboration with the board, shall annually develop a list of job
3 classifications for positions at the school for which the ~~superintendent~~
4 **executive** may fill a vacancy by hiring a candidate for the position
5 based on a search for qualified candidates outside the state personnel
6 hiring list.

7 SECTION 37. THE FOLLOWING ARE REPEALED [EFFECTIVE
8 JULY 1, 2005]: IC 20-15-1-7; IC 20-16-1-7.

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 229, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 13, between lines 10 and 11, begin a new paragraph and insert:
 "SECTION 18. IC 20-15-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-15-2-4.**"

Page 13, line 26, strike "superintendent," and insert "**chief executive officer,**".

Page 13, line 27, strike "superintendent" and insert "**executive**".

Page 13, line 29, strike "superintendent" and insert "**executive**".

Page 13, between lines 41 and 42, begin a new paragraph and insert:
 "SECTION 22. IC 20-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5. (a) The ~~superintendent~~, executive,** subject to the approval of the board and IC 20-15-4, has complete responsibility for management of the school.

(b) The ~~superintendent~~ executive has responsibility for the following:

- (1) Direction of the education, care, safety, and well-being of all students in attendance.
- (2) Evaluation and improvement of the school staff, educational programs, and support services.
- (3) Implementation and administration of the policies, mission, and goals of the school as established by the board.
- (4) Serving as the purchasing agent for the school as provided in IC 5-22-4-8.
- (5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-15-3-10(7).
- (6) Management of the school's outreach program with local public schools.
- (7) Advocating on behalf of the school under guidelines established by the board.
- (8) Executing contracts on behalf of the school.

(c) The ~~superintendent~~ executive is the appointing authority for all employees necessary to properly conduct and operate the school.

SECTION 23. IC 20-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 6. Subject to:**

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- (1) the determination by case conference committees based on individualized education programs as defined under IC 20-1-6-1; and
- (2) the school's admissions criteria adopted by the board under IC 20-15-3-10(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are visually disabled school age individuals.

SECTION 24. IC 20-15-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The committee consists of one (1) representative of each of the following:

- (1) The board.
- (2) The office of the secretary of family and social services.
- (3) The superintendent of public instruction.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

- (1) Applications to the school denied through the process described in section 6 of this chapter.
- (2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 25. IC 20-15-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real or personal property that are made, given, or granted to or for the school."

Page 14, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 27. IC 20-15-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

- (1) Establish policies and accountability measures for the school.
- (2) Implement this article.
- (3) Perform the duties required by IC 5-22-4-8.
- (4) Adopt rules under IC 4-22-2 to establish criteria for the admission of children with visual disabilities, including children

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with multiple disabilities, at the school.

(5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure of the board.

(6) Determine the salary and benefits of the ~~superintendent~~, **executive**.

(7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department of education, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 28. IC 20-15-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~(a) This section applies after March 31, 2000.~~

~~(b)~~ The ~~superintendent~~ **executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent~~ **executive** considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the ~~superintendent~~ **executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

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Page 14, line 5, strike "superintendent" and insert "**chief executive officer**".

Page 14, line 6, strike "superintendent" and insert "**executive**".

Page 14, line 8, strike "superintendent" and insert "**executive**".

Page 14, after line 20, begin a new paragraph and insert:

"SECTION 31. IC 20-16-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~, **executive**, subject to the approval of the board and IC 20-16-4, has complete responsibility for management of the school.

(b) The ~~superintendent~~ **executive** has responsibility for the

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following:

- (1) Direction of the education, care, safety, and well-being of all students in attendance.
 - (2) Evaluation and improvement of the school staff, educational programs, and support services.
 - (3) Implementation and administration of the policies, mission, and goals of the school as established by the board.
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 - (8) Executing contracts on behalf of the school.
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(c) The ~~superintendent~~ **executive** shall serve as an adviser to the

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placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

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SECTION 34. IC 20-16-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real and personal property that are made, given, or granted to or for the school.

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- (4) Adopt rules under IC 4-22-2 to establish criteria for the admission of children with hearing disabilities, including children with multiple disabilities, at the school.
- (5) Hire the ~~superintendent~~ **executive**, who serves at the pleasure of the board.
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- (7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department of education, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

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~~(b)~~ The ~~superintendent~~ **executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent~~ **executive** considers qualified to fill a position at the school. The state personnel department, in

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collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the ~~superintendent~~ **executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

SECTION 37. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 20-15-1-7; IC 20-16-1-7."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 229 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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